

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

BLUE STATE REFUGEES, et al.,) Case No. 3:21-cv-03024
)
Plaintiffs,)
) PLAINTIFFS' MOTION
v.) FOR LEAVE TO FILE
) REPLY BRIEF
KRISTI NOEM, Governor of South)
Dakota, in her official capacity, et al.,)
)
Defendants.)

Plaintiffs Blue State Refugees, Luke Robertson, and Chad Dollick, by and through their attorneys of record of Gunderson, Palmer, Nelson & Ashmore, LLP, and Alan Gura of Institute of Free Speech, move this Court for leave to file a reply brief to Defendants' Response to Motion regarding Motion for Attorney Fees and Costs.

Local Rule 54.1(C) allows Plaintiffs to file only a motion and affidavit containing attorney time spent and factual matters pertinent to the motion for attorney fees. The Local Rule does not allow for an initial brief in support or a reply brief.

Defendants filed a Memorandum in Opposition to Plaintiffs' Motion for Attorney Fees and Costs, Doc. 28. Such memorandum is 14

pages and has numerous citations to case law. Through a reply brief, Plaintiffs wish to address the relevant case law and distinguish the cases Defendants cite. Defendants also pointed to many factual reasons to support Defendants' argument that the Court should limit the attorney fees granted. Such individual arguments regarding specific entries and other issues are impossible to fully anticipate when initially filing an affidavit in support of such fees. Plaintiffs would like to reply to such factual arguments in a reply brief so the issues are fully briefed for the Court's consideration.

In summary, Plaintiffs respectfully request the Court grant Plaintiffs leave to file a reply brief to Defendants' Memorandum in Opposition to Plaintiffs' Motion for Attorneys' Fees and Costs.

Dated: February 17, 2022 Respectfully submitted,

Alan Gura*
INSTITUTE FOR FREE SPEECH
1150 Connecticut Ave., N.W.
Suite 801
Washington, DC 20036
202.967.0007
agura@ifs.org

/s/ Stacy R. Hegge
Stacy R. Hegge
GUNDERSON, PALMER, NELSON &
ASHMORE, LLP
111 W. Capitol Ave., Suite 230
Pierre, SD 57501
605.494.0105
shegge@gpna.com

Counsel for Plaintiffs